UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff,)	
vs.)	Case No. 4:04CR634DJS(MLM)
)	
KENNETH BEVINEAU,)	
Defendant.)	

ORDER

On July 5, 2005 this matter came before the court for a hearing to determine whether defendant, Kenneth Bevineau, is competent to stand trial pursuant to 18 U.S.C. § 4241(d). Defendant was present in court and represented by counsel Mr. Thomas Flynn. The government was represented by Assistant United States Attorney Roger Keller. The court has received a Forensic Evaluation from Michael T. Armour, Ph.D. Based on this Report, and without objection by either party, the court finds by the preponderance of the evidence that despite the presence of Bipolar I Disorder, which qualifies as a mental disease according to the statute, defendant has the capacity to understand the nature and consequences of the proceedings against him and to assist properly in his defense. 18 U.S.C. 4241(d).

The findings of the forensic examiner contained in his Report are incorporated by reference as if fully set out herein. The court notes for the record that Dr. Armour has concluded that to a reasonable degree of professional certainty he believes defendant is in sufficient remission of his Bipolar I Disorder to be competent to proceed. The court further notes that it is Dr. Armour's opinion to a reasonable degree of professional certainty that defendant qualifies for "diminished capacity" consideration at the time of sentencing.

Accordingly,

IT IS HEREBY ORDERED that despite the presence of Bipolar I Disorder which qualifies as a mental disease, defendant has the capacity to understand the nature and consequences of the

proceeding against him and to assist properly in his defense and is therefore competent to proceed.

IT IS FURTHER ORDERED that having been found competent to understand the nature

and consequences of the proceedings against him and to assist properly in his defense, the

defendant shall answer the charges against him.

IT IS FURTHER ORDERED that the defendant shall appear for Trial on August 1,

2005 at 9:00 A.M. before the Honorable Donald J. Stohr.

IT IS FURTHER ORDERED that all the terms and conditions of defendant's previously

set bond remain in full force and effect.

/s/Mary Ann L. Medler

MARY ANN L. MEDLER

UNITED STATES MAGISTRATE JUDGE

Dated this <u>5th</u> day of July, 2005.

- 2 -